

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.1090 OF 2003
IN
SUMMARY SUIT NO.1811 OF 2001

Manikantan K.P.Nai .. Plaintiff

Vs.

Dnyandeo Dattatray Abitkar .. Defendant

Mr.Sharila D'souza for the plaintiff

Mr.Kocharekar i/b S.S.Redij for the defendant

Mr.Chinmay Rangnekar Officer of Bank present on
notice

CORAM : S.U.KAMDAR, J
DATED : 12TH SEPTEMBER, 2005

P.C.:

. The present suit is filed on 4 cheques issued between March 2000 to August 2000. The said cheques are dishonoured. is the contention of the defendant that the account in fact was closed as far back as 1999 and the cheques were issued in 2000. In that view of the matter, by my earlier order dt.23.8.05 and 30.8.05 I directed the Bank Officer to remain present. The Bank Officer is present in court and states that the account on which the said cheques are issued was closed on

14.7.99. He has also produced the relevant record of the said account. In that view of the matter the question of issuing the said cheques in 2000 does not arise. In my opinion, triable issues arises in this case. In view thereof, unconditional leave to defend is granted. Suit is to be transferred to the list of Commercial Causes. Written Statement or points of defence to be filed within four weeks from today. Affidavits, list of documents to be filed within four weeks thereafter. Inspection within four weeks thereafter. Suit to be on board of the learned Judge taking Commercial Causes.